

IN RE: PETITION FOR ZONING VARIANCE  
W/S Oakfalls Way, 157.2' S  
of the c/l of Parkhurst Road  
(3705 Oakfalls Way)  
11th Election District  
6th Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-429-A

Richard B. Sinclair, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 15 feet in lieu of the required 22.5 feet for an open projection in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Otto Tassi, Mrs. Sinclair's father. There were no Protestants.

Testimony indicated that the subject property, known as 3705 Oakfalls Way, consists of 7,428.29 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners commenced construction of a covered deck attached to an existing open deck as depicted in Petitioner's Exhibit 1 without benefit of a building permit. Testimony indicated that a stop work order was subsequently issued pending Petitioners' application for a permit. Petitioners testified that due to the poor grading of the property in the rear, the existence of a storm drain in the southwest corner of the site, and the fact that storm water runoff lays for several days after heavy rains in the surrounding area, the proposed decking is necessary to provide useable space in the rear yard. Further testimony indicated that the land beyond the subject site is dedicated to open space which will not be developed for residential purposes. Petitioners testified they have spoken with their neighbors who have no objections to the deck. Testimony indicated the relief requested will not result in any

detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of May, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 22.5 feet for an open projection in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

May 15, 1990

Mr. & Mrs. Richard B. Sinclair  
3705 Oakfalls Way  
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
W/S Oakfalls Way, 157.2' S of the c/l of Parkhurst Road  
(3705 Oakfalls Way)  
11th Election District - 6th Councilmanic District  
Richard B. Sinclair, et ux - Petitioners  
Case No. 90-429-A

Dear Mr. & Mrs. Sinclair:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

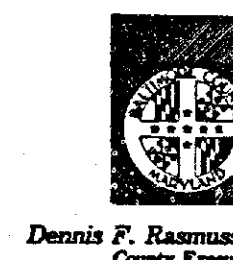
Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen  
County Executive

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-429-A

The undersigned, legal owner(s) of the property at 3705 Oakfalls Way, 157.2' S of the c/l of Parkhurst Road, 11th Election District, 6th Councilmanic District, Baltimore County, Maryland, hereby petition for a Variance from Section 1802.3.A.1 - 1801.2.C. (1979) to allow an open projection setback of 15' in lieu of the required 22.5' by Section 301.1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment A

- Hardship or Practical Difficulty

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Richard B. Sinclair

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Richard B. Sinclair

Name

3705 Oakfalls Way - 21236

Address

City and State

Phone No.

H-529-5945

H-244-1415

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day

of March, 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 1st day of May, 1990, at 2:30 o'clock

P.M.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

RECEIVED BY: CAN DATE: 26 FEB 90

Sinclair  
3705 Oakfalls Way - 21236

Attachment A

-Hardship or Practical Difficulty

- A) Local open space is "an old transition" - as stated on Balto. Co. site plan. The space behind the property will not interfere with a residential property - no houses will be built behind property.
- B) The grading on the property is seriously uneven and not usable as graded by builder.
- C) The storm drain at the corner of the property prohibits use of property at ground level and on surrounding ground several days after rain.

Sinclair  
3705 Oakfalls Way - 21236

A Description of the Property

Beginning at a point on the west side of Oakfalls Way which is 424 Ft. (varies) wide at a distance of 157.2 Ft. (on 195 Ft. RAD) South of Centerline of the nearest improved intersecting street, Parkhurst which is 50 feet wide. Being Lot #0017, Block OOA, Section #01 in the subdivision of Oakhurst as recorded in Baltimore County Plat Book #056, Folio #009, containing 7428.29 square feet. Also known as 3705 Oakfalls Way and located in the 11th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th  
Posted for: Variance  
Petitioner: Richard B. Sinclair, et ux  
Location of property: W/S Oakfalls Way, 157.2' S of Parkhurst  
Location of Sign: Front of property, 25' from driveway  
Remarks: Property of Petitioner  
Posted by: [Signature]  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
101 West Chesapeake Avenue  
Towson, Maryland 21204

5/26/90

PUBLIC HEARING FEES

DIO - ZONING VARIANCE FEE

LAST NAME OF OWNER: SINCLAIR

CITY

PRICE

TOTAL

1491

1491

1491

1491

1491

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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES

REPORTER, weekly newspapers published in Baltimore County, Md.,

once in each of 1 successive weeks, the first publication appearing on April 4, 1990.

NORTHEAST TIMES BOOSTER and the

NORTHEAST TIMES REPORTER

S. Zebe Olson

Publisher



**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-3353

Account: R-001-6150  
No. 2463

90-429

5/09/90

Public Hearing Fees

QTY	PRICE
080 - POSTING SIGNS / ADVERTISING 1 X	\$101.45
TOTAL: \$101.45	

LAST NAME OF OWNER: SINCLAIR

B 115\*\*\*\*\*1014514 0145F

Cashier Validation: Please make checks payable to: Baltimore County

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE April 18, 1990

Mr. & Mrs. Richard B. Sinclair  
3705 Oakfalls Way  
Baltimore, Maryland 21236

Re: Petition for Zoning Variance  
CASE NUMBER: 90-429-A  
W/S Oakfalls Way, 157.2' S of c/l of Parkhurst  
3705 Oakfalls Way  
11th Election District - 6th Councilmanic  
Petitioner(s): Richard B. Sinclair, et ux  
HEARING: FRIDAY, May 11, 1990 at 2:00 p.m.

Dear Mr. & Mrs. Sinclair:

Please be advised that \$ 101.45 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

March 28, 1990

Mr. & Mrs. Richard B. Sinclair  
3705 Oakfalls Way  
Baltimore, Maryland 21236

Re: Case Number: 90-429-A  
Petitioner: Richard B. Sinclair, et ux  
Location: 3705 Oakfalls Way

Dear Mr. & Mrs. Sinclair:

Please be advised that due to scheduling conflicts beyond our control, the above matter, previously set to be heard on May 1, 1990 cannot go forward on that date.

Your case has been rescheduled for Friday, May 11, 1990 at 2:00 p.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,  
G. G. Stephens  
(301) 887-3391

GGG

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

March 23, 1990

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-429-A  
W/S Oakfalls Way, 157.2' S of c/l of Parkhurst  
3705 Oakfalls Way  
11th Election District - 6th Councilmanic  
Petitioner(s): Richard B. Sinclair, et ux  
HEARING: TUESDAY, May 1, 1990 at 2:30 p.m.

Variances To allow an open projection, a setback of 15 ft. in lieu of the required 22.5'.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Sinclair

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 24, 1990

Mr. & Mrs. Richard Sinclair  
3705 Oakfalls Way  
Baltimore, MD 21236

Re: Item No. 274, Case No. 90-429-A  
Petitioner: Richard Sinclair, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Sinclair:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

March 28, 1990

Mr. & Mrs. Richard B. Sinclair  
3705 Oakfalls Way  
Baltimore, Maryland 21236

Re: Item No. 274, Case No. 90-429-A  
Petitioner: Richard Sinclair, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Sinclair:

Your petition has been received and accepted for filing this 28th day of March, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Richard B. Sinclair, et ux  
Petitioner's Attorney:

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS  
No. 273 - R. Crone  
No. 292 - Carmel B. Whetzel  
No. 291 - Richard M. Wright and  
No. 274 - Richard B. Sinclair

In reference to the above referenced item numbers, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3311.

EK:JL:qgl  
VARIOUS/TXTGGL

MAR 1 2 1990

**Baltimore County**  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
(301) 887-3554

Dennis F. Rasmussen  
County Executive

March 21, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 271, 272, 274, 291, and 292.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lvw

MAR 27 1990



**Paul H. Reincke**  
Chief

MARCH 14, 1990



**Dennis F. Rasmussen**  
County Executive

RE: Property Owner: RICHARD B. SINCLAIR  
Location: #3705 OAKFALLS WAY  
Item No.: 274 Zoning Agenda: MARCH 20, 1990

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. Kelly 3-14-40 Noted and Approved Capt. J. Kelly 3-14-40  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee      DATE: April 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 20, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 272, 274, 291 and 292.

For Item 271, the ownership of area to be purchased does not agree between plats, i.e. GLB 2368/167 vs. GLB 2368/168, and Alonzo Decker, WJR 3907/322 vs. Camera Bare, Jr. GLB 3292/33.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



**DRAWING NUMBER**

PLAN HOLD CORPORATION • IRVING, CALIF. 92604

#27

**DRAWING NUMBER**  
**NE-11-F**  
IN DOG HOUSE ILLUSTRATION - INVENTOR: CALIFORNIA

